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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,799	10/06/2004	Chien-Yu Lin		5798

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PHISON ELECTRONICS CORPORATION
2F-4, NO. 148, SEC. 4, CHUNG HSIAO EAST ROAD
TAIPEI,
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EXAMINER

THAMMAVONG, PRASITH

ART UNIT	PAPER NUMBER
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2187

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/21/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/711,799	LIN ET AL.	
	Examiner	Art Unit	
	Prasith Thammavong	2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 October 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-6 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 06 October 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The instant application having Application No. 10/711,799 has a total of 6 claims pending in the application; there are 1 independent claim and 5 dependent claims, all of which are ready for examination by the examiner.

1. INFORMATION CONCERNING OATH/DECLARATION

Oath/Declaration

The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in 37 C.F.R. ' 1.63.

2. REJECTIONS NOT BASED ON PRIOR ART

a. DEFICIENCIES IN THE CLAIMED SUBJECT MATTER

Claim Rejections - 35 USC ' 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 and 3-6 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility.

With respect to claim 1 and 3-6, claim 1 provides a tangible result if all steps A, C, and D are accomplished. However, the conditional statement in step (A) provides an alternative where there is no available address and therefore step (A), the checking step, does not move onto steps (C), checking step, and (D), the storing step. If step (A) does not move onto steps (C) and (D), it only checks if an address available and therefore guarantees no tangible result. Claims 3-6 inherit the deficiencies of claim 1

since they depend on claim 1, and do not add any limitations that guarantee a tangible result.

Claim Rejections - 35 USC ' 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "this address" in step (C) line 2. There is insufficient antecedent basis for this limitation in the claim. For prior art purposes, the Examiner has construed the "this address" as "the file address serving as buffer."

Claim 1 recites the limitation "the operation procedure" in step (A) line 3. There is insufficient antecedent basis for this limitation in the claim. For prior art purposes, the Examiner has construed the "the operation procedure" as the steps going from A to C to D.

3. REJECTIONS BASED ON PRIOR ART

Claim Rejections - 35 USC ' 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. ' 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Shimizu (US Patent # 6,859,855).

With respect to claim 1, the Shimuzu reference teaches a method of applying a flash memory as a buffer in an electronic appliance (column 1, lines 7-9, where the present invention is being used in a communication device with a CPU), comprising:

installing a microprocessor (CPU, fig. 1, element 4) in the electronic appliance, wherein said microprocessor receives or executes commands of a user (column 2, lines 25-43);

installing a flash memory (see fig. 1, element 5) in the electronic appliance wherein said flash memory is connected to said microprocessor and comprises a file address table of a recordable file address (address storage area, fig. 1, element 12) and

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a data block for storing data or program (information storage unit, fig. 1, element 13), and wherein when the microprocessor commands the flash memory to store data or program (column 2, lines 25-43, where the CPU is connected to the flash memory, in which the address storage area and information storage unit are being stored), the flash memory operates to store said data or program as follows:

(A) checking whether any file address is available for serving as buffer in said data block of said flash memory, wherein if a file address in said data block is available to serve as buffer (column 4, lines 55-64, where the modified function is written into an unused region), the operation procedure proceeds to step (C);

(C) calculating the file address serving as buffer according to an address recorded in the file address table, and defining a memory block where this address is located (column 4, lines 55-64, where the modified function is written into an unused region); and

(D) storing said data or program in said defined memory block whose file address is used as buffer (column 4, lines 55-64, where the modified function is written into an unused region).

With respect to claim 2, the Shimuzu reference teaches if no file address in said data block is available to serve as buffer, the operation procedure proceeds to step (B), wherein one file address is added into the data block of the flash memory and the file address table is modified (column 4, lines 55-64, where the modified function is written into an unused region, and the address information is changed in the address storage area) and the operation procedure continue to step (C).

With respect to claim 6, the Shimuzu reference teaches the flash memory comprises a portable ROM (column 6, lines 30-41, where the function storage area is provided in the ROM).

Claim Rejections - 35 USC '103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimuzu (US Patent # 6,859,855) in view of the Examiner's taking of Official Notice.

With respect to claim 3-5, the Shimuzu reference does not explicitly teach that electronic appliance comprises a display card/sound card/memory card. However, the Shimizu reference does teach the electronic appliance comprises a communication device with a performing data processing using a CPU, which includes devices such portable telephones, copy machines, facsimile machines (column 1, lines 7-15). These communication devices could also be electronic appliances such as a computer or even the components within the computer, such as a display card / sound card / memory card. It was well known in the art at the time of that a display card was used within a computer to display video to a computer. It was also well known in the art at the time of that a sound card was used within a computer to produce sound from a computer. It was also well known in the art at the time of that a memory card was used within a

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computer to store data within a computer. Therefore it was well known in the art at the time of the invention that an electronic appliance could comprise a display card/sound card/memory card and such Official Notice is taken. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter to have the electronic appliance comprise a display card/sound card/memory card in order to provide greater flexibility for the electronic appliance to comprise a display card/ sound card / memory card, or any type of device, that would comprise the flash memory, which was well known in the art at the time of the invention.

4. RELEVANT ART CITED BY THE EXAMINER

The following prior art made of record and not relied upon is cited to establish the level of skill in the applicant's art and those arts considered reasonably pertinent to applicant's disclosure. See MPEP 707.05(c).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references include:

Beck (US PGPub #2003/0101327 which teaches a flash memory management method); and

Iida et al. (US PGPub #2002/0124130) which teaches a memory controller and method using logical/physical address control table.

5. CLOSING COMMENTS

Conclusion

a. STATUS OF CLAIMS IN THE APPLICATION

The following is a summary of the treatment and status of all claims in the

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application as recommended by M.P.E.P. ' 707.07(i):

(1) CLAIMS REJECTED IN THE APPLICATION

Per the instant office action, claims 1-6 have received a first action on the merits and are subject of a first action non-final.

b. DIRECTION OF FUTURE CORRESPONDENCES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prasith Thammavong whose telephone number is (571) 270-1040 can normally be reached on Monday - Thursday 9:00am - 6:00pm and the first Friday of the bi-week, 9:00 am -5:00 pm

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PT

Prasith Thammavong
Patent Examiner
Art Unit 2187
December 11, 2006


DONALD SPARKS
SUPERVISORY PATENT EXAMINER